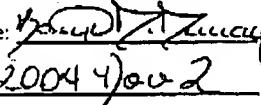


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 ADVANCED BIONICS 12740 San Fernando Rd. Sylmar, CA 91342	<p align="center">FAX TRANSMITTAL</p> <p> To: US Patent & Trademark Office Examiner Joseph S. Machuga, Art Unit 3762, phone (703) 305-6184 Fax: (703) 872-9306 From: Laura Haburay Bishop phone (661) 362-1906 fax (661) 362-1507 Date: November 2, 2004 Pages: Sixteen (16), Including Cover Page Re: Amendment Under 37 CFR 1.116 for S/N 09/993,085, filed 11/6/2001 (November 6, 2001); Attorney Docket No.: AB-145U </p>	<p align="center">Certificate of Transmission</p> <p>I hereby certify this correspondence, including the papers listed, is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306</p> <p>on this date: <u>November 2, 2004</u></p> <p>Typed Name: <u>Karyn M. Murray</u></p> <p>Signature: </p> <p>Date: <u>2004 Nov 2</u></p>
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**AMENDMENT AFTER FINAL
EXPEDITED HANDLING REQUESTED**

Please find attached:

- Amendment Transmittal Letter, including authorization to charge \$110 to Deposit Account (1 page);
- Rescission of Previous Nonpublication Request (1 page); and
- Amendment Under 37 CFR 1.116, responding to a final Office Action mailed July 2, 2004, for Application Serial Number 09/993,085 (13 pages).

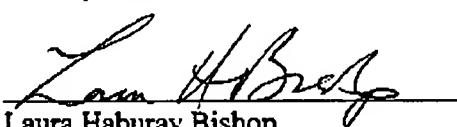
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AMENDMENT TRANSMITTAL LETTER				Attorney Docket No: AB-145U		
Application Serial Number: 09/993,085	Filing Date: 11/6/2001	Examiner: Joseph S. Machuga			Group Art Unit: 3762	
Title: Systems and Methods for Treatment of Diabetes by Electrical Brain Stimulation and/or Drug Infusion						
TO THE COMMISSIONER OF PATENTS AND TRADEMARKS: Transmitted herewith is an amendment in the above-identified application. The fee has been calculated as shown below.						
CLAIMS AS AMENDED						
	CLAIMS REMAINING AFTER AMENDMENT		HIGHEST NUMBER PREVIOUSLY PAID FOR	NO. OF EXTRA CLAIMS PRESENT	RATE	ADDITIONAL FEE
TOTAL CLAIMS	24	MINUS	35	0	\$18	\$0
INDEP. CLAIMS	2	MINUS	3	0	\$88	\$0
<input checked="" type="checkbox"/> Petition is hereby made under 37 CFR 1.136(a) to extend the time for response to the Office Action of <u>7/2/2004</u> to and through <u>11/2/2004</u> , comprising an extension of the shortened statutory period of:						
<input checked="" type="checkbox"/> one month (\$110) <input type="checkbox"/> three months (\$980)			<input type="checkbox"/> two months (\$430) <input type="checkbox"/> four months (\$1,530)			
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT						
<input checked="" type="checkbox"/> Charge <u>\$ 110.00</u> to Deposit Account <u>50-0648</u> .						
<input checked="" type="checkbox"/> Rescission of Previous Nonpublication Request Enclosed.						
2004 Nov 02 Date	 Laura Haburay Bishop Reg. No. 47424					
I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office, Fax. No. (703) 872-9306 on <u>November 2, 2004</u> .						
 Karyn M. Murray						

Docket No. AB-145U

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

NOV 02 2004

Appl. No.: 09/993,085
 Conf. No.: 7482

Applicant: Whitehurst
 Filed: November 6, 2001
 TC/A.U.: 3762
 Examiner: Machuga, Joseph S.

Appl. Title: Systems and Methods for Treatment of
 Diabetes by Electrical Brain Stimulation
 and/or Drug Infusion

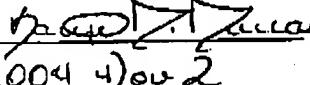
Docket No.: AB-145U
 Customer No.: 23845

Certificate of Transmission

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 Fax. No. (703) 872-9306

on this date: November 2, 2004

Typed Name: Karyn M. Murray

Signature: 

Date: 2004 11 02

Commissioner for Patents
 Alexandria, VA 22313-1450

**AMENDMENT AFTER FINAL
 EXPEDITED HANDLING REQUESTED**

Amendment Under 37 C.F.R. 1.116

Dear Examiner:

This amendment responds to the final Office action mailed 7/2/2004 for the subject application, in which all pending claims, claims 1-3 and 15-35, were rejected. An extension fee for response within the first month is being submitted concurrently herewith.

Applicant submits that this amendment places the claims in condition for allowance and/or in better form for consideration on appeal. It is respectfully requested that this amendment be considered and entered.

Amendments to the claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 7 of this paper.

Appl. Ser. No. 09/993,085
 Amendment dated November 2, 2004
 Reply to final Office action of July 2, 2004

Page 1 of 13

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